

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.522 OF 2006

IN

SUMMARY SUIT NO.1625 OF 2005

Canara Bank.

...Plaintiff.

vs.

Suresh Madhavan & another.

...Defendants.

Ms.Reena Singh i/b. K.R.Lalchandani, for Plaintiff.

Mr.M.N.Dhond, for defendant no.1.

CORAM: D.K.DESHMUKH, J.

DATED: 17th January, 2007.

P.C.:-

1. This summons for judgment is directed against defendant no.1. Admittedly, the defendant no.1 has been served with the summons for judgment on 2.12.2006. Within the time allowed by Order 37 of C.P.C. the defendant no.1 has not applied for leave to defend. Therefore, in terms of the provisions of Order 37 of C.P.C. the plaintiff is entitled to a judgment against the defendant no.1. Heard

the learned Counsel appearing for plaintiff, perused the record. The summons for judgment is granted against defendant no.1. Suit is decreed in terms of prayer clause (a) of the suit against defendant no.1.

2. So far as defendant no.2 is concerned, the defendant no.2 is served with the writ of summons. He is not appearing. The plaintiff has filed affidavit of service. Therefore, in terms of Order 37 of C.P.C. the plaintiff is entitled to a judgment against the defendant no.2 also. Hence, the suit is also decreed against defendant no.2 in terms of prayer clause of the suit.

Refund of Court fees as per rules.
